

### REMARKS

The Examiner's Action of November 21, 2007, is noted, in which the claims are rejected under 35 USC 102(e), as being anticipated by Nagaishi et al. and based on a non-statutory double patenting rejection.

Applicants provide herewith a terminal disclaimer, thus making the double patenting rejection moot.

This leaves the rejection of the Claims under 35 U.S.C. 102 as being anticipated by the Nagaishi et al. reference.

In the independent Claims to this Patent Application, Applicants have amended the independent Claims to recite that the continuous wave energy is simultaneously projected at two different frequencies. This can be clearly seen in Figure 1, in which the radar simultaneously outputs frequencies  $f_1$  and  $f_2$  to summation device 20.

Nowhere is this shown or taught in the Nagaishi et al. reference. In point of fact, Nagaishi, et al. specifies a switch 13 that switches between oscillator 1 and oscillator 2.

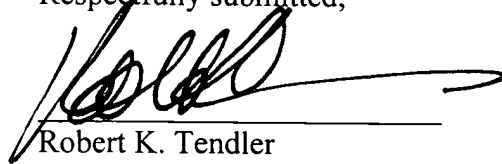
Thus, the Nagaishi et al. reference teaches away from the claimed invention.

It is noted that the use of simultaneous generation of the two frequencies eliminates the need for any switch circuits and any switching transients or artifacts involved in switching.

Moreover, the claimed system is much simpler than the Nagaishi et al. system.

Allowance of the claims and issuance of the case are therefore earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Tandler', written over a horizontal line.

Robert K. Tandler

Reg. No.: 24,581

65 Atlantic Avenue

Boston, MA 02110

Tel: (617) 723-7268

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